March 9, 2012

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

RE: The Matter of the Structure and Practices of the Video Relay Service Program, CG Docket No. 10-51

Dear Ms. Dortch,

In response to the FNPRM (11-184) that was released on December 15, 2011, I put forward what follows for consideration.

Instituting a More Efficient Compensation Mechanism and Reducing Incentives for Waste, Fraud, and Abuse

I do not support the per-user model.

There is not enough information known about VRS users' habits or about the actual number of current and potential VRS users in the country to move to a per-user model. The proposed per-user calculation estimates that the average VRS user uses the service 70 minutes a month. However, it is well known that users rely on multiple providers for their relay services. Moreover, the habits of users in certain areas of the market should very dramatically from the habits of users in other areas. Providers who have a disproportionate number of these users might be greatly overfunded or underfunded depending on the specific demographic of their user group. All of this creates a barrier to the Commission's having a clear picture of user behavior and uncertainty about whether compensation based on such a vague picture will be appropriate.

Moreover, it is a detriment to VRS users and to the video relay system as a whole for users to be locked into one provider as the per-user model is described in the FNPRM. I believe the Commission is correct in its hypothesis that most users would continue using the dominant provider- only significant education and interoperability improvements could change this situation. Furthermore, if it becomes well known that the future of the smaller VRS providers are in jeopardy by transitioning to the per-user model, as their future would be, even more VRS users would be incentivized to choose the dominant provider. Thus, the per-user model increases the likelihood of continued single provider domination of the industry.

In addition, as an interpreter, having the choice of which VRS provider to work for is invaluable. One provider's expectations and working environment cannot be appropriate for all interpreters. Moving to a single provider removes not only choices for users but for interpreters as well. Since VRS cannot function without interpreters, this is a consideration that should not be underestimated.

The Commission sites its motivation to reduce waste, fraud, and abuse as the impetus behind the new compensation mechanism. But the Commission points out in the FNPRM that the per-user model is still susceptible to these factors. Providers would be incented to bring on low-volume users and avoid high volume users. Supposing the per-user model is adopted, how often will the average number of minutes per VRS user be recalculated? The compensation mechanism for VRS is set up as a reimbursement mechanism. This should allow the commission each month to evaluate the minutes from the month previous and reimburse at the amount that VRS users, on average, actually used VRS in that month. If this is the case, the per-user model is still susceptible to fraud. Providers would still benefit from users using more minutes of VRS. If the average number of minutes per user is not recalculated on a regular basis, then the providers are possibly paying out significantly more in CA-related costs (the largest cost in providing relay services) while receiving the same reimbursement per user. So the per-user model would have the negative impact I described above without ensuring the positive goal of fraud and waste prevention.

If the per-user model is adopted, I support the idea of an incentive for providers who bring on "new-to-category" customers. If providers are tasked with the logistics of setting up customers in the TRS Broadband Pilot Program, it also makes sense that they receive the incentive for these new users as well. Moreover, the Commission should continue to support the marketing efforts of providers to gain existing VRS users (being that the Commission itself mentions that one provider "enjoys significant economies of scale"). When companies are able to serve more customers (new or existing) they come closer to operating at scale- a goal of the Commission. I believe that the current structure of one provider and multiple subscale providers is not the ideal industry structure. Interoperability and education- explaining that there are no retaliatory ramifications of switching providers- are the main barriers to more at-scale providers. If the Commission can improve these situations, I see no reason for the Commission to decide to contract with one provider. The door to competition should remain open, and the Commission should support marketing strategies for both new and existing users so that more at-scale providers can develop. Once adequate education and interoperability are achieved, the Commission could discontinue any "extra" support for subscale providers whose number should, by then, be considerably reduced.

Again, assuming that the per-user rate is adopted, I support the idea of a separate compensation rate for Enterprise users. This will reduce barriers to VRS users' employment and to special circumstances which will require greater VRS use. Moreover, I do not agree with using a blended per-user rate for all VRS users that incorporates the higher volume of Enterprise users. A blended rate would allow companies to avoid marketing and outreach to this group of users but still have an inflated per-user rate reimbursed to them without serving this clientele.

Operating Standards

The FCC is seeking comment on whether specific training requirements or qualifications should be established for VRS CAs different from or beyond those general requirements set forth in section 64.604. I strongly recommend that national certification obtained through the Registry of Interpreters for the Deaf/National Association of the Deaf be the minimum qualification for VRS CAs.

The VRS environment presents unique challenges to interpreters. Some of these include, having no knowledge of the specific language requirement of the consumer prior to interpretation, a 2D environment where minute language cues can easily be missed, and an extremely wide range of conversation topics including technical and legal subjects. This complex atmosphere demands that only proficient interpreters be able to work in the VRS environment. In the ASL/English interpreting community, proficiency begins with RID/NAD national certification.

In response to the question of what affect these specific qualifications would have on the current pool of VRS CAs who may or may not meet those qualifications, I acknowledge that this change will impact a number of interpreters that are not currently certified but who are working in the VRS environment. These interpreters will need to begin preparation for taking the national exam. I would recommend that the FCC work with the Registry of Interpreters for the Deaf to determine what type of time period can be given for these interpreters to take and pass the exam so that they could avoid losing their income.

RID/NAD has yet to create an exam to test the proficiency of ASL/Spanish interpreters. This group of interpreters should be tested to ensure qualification as well. Although, with the absence of a mechanism currently, I suggest that each company be responsible to verify that ASL/Spanish interpreters be skilled until such a time that a RID/NAD national exam can be created.

In response to the question of the affect, if any, the qualification requirements have on the ability of VRS providers to comply with the speed of answer requirement, it depends mainly on the provider. There are providers that currently only work with nationally certified interpreters. There would be no affect on these providers or their speed of answer. For those providers that have, as a large portion of their workforce, uncertified interpreters, there could be ample time given for these interpreters to receive certification. If these interpreters are already high quality interpreters, passing the test and getting results should not take too much time. The providers should still be able to meet the speed of answer requirement. On the other hand, there are providers who are using uncertified interpreters who are not skilled enough to pass the national exam. These providers' speed of answer would suffer.

If the Commission does not adopt national certification as the minimum qualification for VRS CA's, I recommend that the Commission incentivize companies to continue to hire certified interpreters. One method of accomplishing this, supposing a per-user model is adopted, is adding a per-user rate differential when calculating the CA-related cost per-user for a particular company.

The Commission's goal of all providers functioning at the at-scale per-user rate is based on sub-standard interpreters working in the industry. The current dominant provider is the only provider that is near functioning at the “at scale” model. One obstacle for some smaller providers attaining that level of efficiency is a commitment to high quality services provided by certified-only interpreters. This provides even more reason for the Commission to include a rate differential for the use of certified interpreters. This idea is outlined below (as described in the comment filed by Brandon Arthur).

Provider A:

Active Users the Previous Month:	10	
Monthly Rate per User:	$175.00	
Certification Differential:	$5.00	(potential per user)
% of Interpreters Certified:	80%	
Differential Compensation:	$40.00	(8 x $5)
Monthly Total Compensation:	$1790.00	($175 x 10 + $40)

In conclusion, I believe that moving to a per-user model is premature. I applaud the Commission’s commitment to improved interoperability and education to VRS users and believe these should be the two main focuses of the Commission currently. The per-user model can be considered after the Commission gains more insight into the VRS user landscape through the VRS User Database and the TRS Broadband Pilot Program.

Sincerely,

Kim Surrency

Sign language Interpreter